

The Middle Tennessee State University Electoral Act Student Government Association

Purpose: To establish clear, proper, and equitable procedures for conducting university elections and to establish minimum qualifications for candidates for Middle Tennessee State University Student Government Association offices as indicated in Article 2, Section 2.

Article I (Introduction)

All provisions of this Act shall be in accordance with the Constitution of the Student Government Association, and no provision of this Act is intended to, or shall be construed to deny any student a fair opportunity to compete for a Student Government Association office.

Article II (Candidate and Election Commission)

Section 1. The Election Commissioner shall be appointed by the Student Government Association President and must be confirmed by a simple majority of the Senate.

Section 2. The Election Commissioner shall, at the beginning of the term in which he/she was appointed, appoint four (4) University students, with Senate approval, to serve one (1) year terms as members of the Election Commission. The Election Commissioner shall serve as Chairperson of the Commission. If for any reason a Commission member fails to meet his/her responsibilities, and a vacancy occurs in the Election Commission, the Election Commissioner shall appoint another student upon Senate confirmation. All Election Commission members must disaffiliate with any student political part of which he or she may be a member and may not participate in any campaign.

Section 3. In the event that there is a vacancy in the position of the Election Commissioner, the President of the Student Government Association shall appoint, with Senate approval, a member of the Election Commission to become the new Election Commissioner. If the President fails to appoint a new Election Commissioner within 7 calendar days, the Student Government Association Advisor will designate a replacement from the current membership of the Election Commission.

Section 4. The following elections shall be conducted under the provisions of this Act.

- A. Elections of the Student Government Association President, Vice President, and all Student Government Association Senators.
- B. Elections of Homecoming King and Queen and their respective Courts.
- C. Referendums

Section 5. Quorum of the Election Commission will constitute 2/3 of the committee membership in accordance with Robert's Rules of Order. The Election Commissioner will also count towards quorum and will have equal voting power. In the event of a tie, the Election Commissioner will cast the deciding vote.

Section 6. No official action shall be taken unless quorum is met and the Election Commissioner is present. In the event that the Election Commissioner is unable to attend a meeting, he/she has the authority to appoint a member of the commission to act in his/her absence to oversee the meeting.

Section 7. Any individual, who is working for the Election Commission, in any capacity, shall not be a candidate for any Student Government Association office, nor shall any member campaign in any way for any candidate for Student Government Association office or for any student political party. No member of the Election Commission may make any donation, monetary or otherwise, to any student or party's campaign.

Section 8. If the Election Commissioner and/or a member of the Election Commission intend to seek an elected office in the Student Government Association, then they shall be required to resign for the remainder of his/her term within twenty-eight (28) calendar days from the beginning of the first day of elections

Section 9. Qualifications of office for executive board members are listed in the SGA Constitution Article IV, Sections 1, Subsection C and qualifications of office for senators are listed in the SGA Constitution Article V, Section 4.

Article III (Publicizing Elections)

Section 1. Any campus-wide election shall be publicized via Sidelines, the Student Government Association website, and by any other means approved by a majority of the Election Commission. Advertisements must begin at least twenty-eight (28) calendar days prior to the date of the election, except student referenda which shall be advertised at least fourteen (14) calendar days prior to the election. Any other pertinent information concerning voting must also be publicized in the same manner.

Section 2. No election shall take place during the week of or the week prior to final examinations.

Article IV (Election Commissioner)

Section 1. A candidate for a Student Government Association position must file a candidacy form with the Election Commissioner no later than 4:00 p.m. twenty-one (21) calendar days prior to the date of the election. All candidates must meet requirements by the before mentioned deadline. All candidate applications must be returned to the designated location. Any application received after the deadline will not be accepted. Any applicant who does not meet all requirements by 4:00 p.m. twenty-one (21) calendar days prior to the election will not be eligible.

Section 2. The Election Commissioner shall determine the application and party nomination forms, and make them available to prospective candidates at least twenty-eight (28) calendar days prior to the first day of elections.

Section 3. The Election Commissioner, shall at the beginning of the Spring semester be responsible for obtaining enrollment figures for the university. It shall then apportion the number of Senate seats to be elected in the spring elections based on Article V, Section 2 of the Student Government Association. For every 500 students enrolled in the university, one (1) Senate seat shall be allocated. All seats will be At-Large and open to all eligible students. There shall also be one (1) seat allotted for Veterans.

Section 4. The names of all eligible candidates should be made public at least fourteen (14) calendar days prior to the election. Campaigning may begin (10) calendar days prior to the election. Campaigning consists of and is not limited to flyers, banners, clothing paraphernalia, electronic media, and social networks (including public and private events and/or groups). Word of mouth campaigning is permitted at any time.

Article V (Student Government Association Elections)

Section 1. Slander or libel against any candidate shall be prohibited and the Election Commission shall investigate any charges of slander or libel and will take appropriate action.

Section 2. Destruction of campaigning materials, abuse of campaign workers, or any other violation of this Act, shall be dealt with as outlined in Article XIII.

Section 3. Candidates shall not be held responsible for violation of the Electoral Act committed in support of his/her candidacy, unless the candidate has direct knowledge of the activity, directly participates in the activity, or the Election Commission has grounds to believe that the candidate had previous knowledge.

Section 4. Candidates will not be able to reserve both banner and table reservations until the Election Commissioner announces all eligible candidates.

Section 5. Candidates are not allowed to campaign or wear campaign material inside of the Student Government Association office. Executive officers are allowed to have campaign materials in the privacy of their own office, as long as they are not visible to the public eye.

Section 6. All signs on campus shall conform to the following guidelines:

A. Three banners, any size, may be placed on campus, with the exception of the Keathley University Center. These banners may be mobile or stationary. Any size signs taped or arranged together to form a sign more than 2' x 3' (feet) shall constitute a banner sign.

B. Banners planning to be hung in the Student Union must be 3' x 4' (feet)

C. There shall be no limit on the number of 8 ½” x 11” or smaller signs that may be placed on campus.

D. All signs should be in accordance with the policy outlined in the *MTSU Rights and Responsibilities of Students*. Any signs larger than 8 ½” x 11”, yet smaller than 2’x 3’, must obtain special permission by the Student Government Association Advisor.

E. Banners displaying the names of multiple candidates will count as one banner for *each* of the displayed candidates.

F. Candidates will be limited to 50 yard signs placed outdoors. A yard sign is defined as the following: Any banner sign less than 2’ x 3’ and is supported by a structure fixed in the ground.

Section 7. There shall be a \$500 cap (including donations) on election paraphernalia, and receipts for all purchased items shall be submitted within 49 hours of distribution. Any candidate found in violation of spending over the spending cap will automatically be disqualified.

Section 8. If candidates have access to MTSU department property, to which not all MTSU students have access, they shall not be permitted to use that property for the benefit of their campaign, even if they pay for it.

Article VI (Political Party)

Section 1. A student political party shall be defined as a student organization which has met the requirements for registration as a student organization at MTSU, and whose primary purpose is expressed as being to support and endorse candidates for Student Government Association offices. A student political party must comply with all guidelines, rules, and policies set forth for all student organizations.

Article VII (Computer Labs and Printing)

Section 1. Campaigning or literature distribution in computer labs, including the entire library, is strictly prohibited.

Section 2. Providing laptop computers, desktop computers, cell phones, tablets, or other electronic devices for voting purposes is prohibited at any campaign location, event or activity.

Section 3. The Election Commission has the right to host voting stations. Regulations will be established by the Election Commission and the Student Government Advisor. Regulations will be approved by the Senate with majority vote.

Section 4. Printing of campaign material is prohibited in both on campus computer labs and the library.

Article VIII (Ballots and Voting)

Section 1. Only currently enrolled students are eligible to vote

Section 2. All votes shall be cast by secret ballot through myMT

Section 3. Each eligible student will be able to place up to a total of five (5) votes for five (5) candidates. No student shall be allowed to place more than one (1) vote for an individual candidate.

Section 4. Voting may take place at any official physical polling location. The definition of an official physical polling station is a public voting station administered by the Election Commission. No other physical polling stations are allowed. The Election Commissioner shall make public through the Student Government website, the locations and times of each official polling station at least twenty-eight (28) calendar days prior to any election. Candidates and parties may petition the Election Commission to add additional physical polling locations. These petitions must be filed to the Election Commission no later than ten (10) calendar days before the first day of elections. Volunteer poll workers shall consist of the Election Commission. It is the role of the Election Commission to develop a volunteer poll worker schedule. If the need arises, the Election Commissioner shall appoint additional University students, with majority Senate approval to serve as temporary members of the Election Commission for the sole purpose of staffing official polling locations. Temporary members at the time of appointment must disaffiliate with any student political party of which he or she may be a member and may not participate in any campaign. No student, faculty, or staff member may use their personal device or a public device for the purpose of soliciting students to vote at that device in accordance with Article VII Section 2. Any device that a student, faculty, or staff member shares with another student for the

purpose of voting shall be considered a physical polling location. No physical polling locations are permitted aside from the official physical polling locations set forth by the Election Commission, any individual who does so is in violation of the Electoral Act. If a polling location becomes unavailable due to an event or circumstance outside the control of the Election Commission, the Election Commissioner, at his or her discretion, may add or change a polling location to the nearest available building so long as it is properly noticed at the original polling location, and the Student Government website. No independent candidate, candidate representative, or political party representative may approach or interfere with voting stations or any queue of voters for the avoidance of influencing the vote of any individual.

Section 5. The candidates for each office or position shall be listed under the heading indicating the office or position for which they are candidates. Ballot position shall be determined by an alphabetical order. Candidates with a party affiliation will have the option to put his/her party affiliation by his/her name. Candidates without a party affiliation may opt to have "INDEPENDENT" placed by his/her name. The Election Commissioner Relations shall determine the form of the ballots.

Section 6. Should no one qualify, by petition for any office scheduled to be filled in an election, that office shall be appointed by the President of the Student Government Association with approval by the Student Government Association Senate.

Section 7. Each eligible candidate may run for only one position per election.

Article IX (Election Results)

Section 1. The Election Commissioner shall be responsible for obtaining vote totals and certifying the final results, but no executive board member, or student shall have access to the vote counts until voting completed. During Homecoming Elections, only the SGA advisor shall have access to the vote counts until the king and queen are announced.

Section 2. The Student Government Association Advisor will maintain election results for a minimum of one year from the date of certification of results by the Election Commission.

Section 3. All elections must be conducted during four (4) consecutive days.

Section 4. A run-off, if necessary, shall be completed within twenty-one (21) calendar days of the first day of the primary, and no write-in votes shall be allowed. If the Election Commission deems extenuating circumstances exist, the run-off election may be postponed for up to seven (7) additional days.

Section 5. Should any candidate be disqualified from an election, voters shall be informed about the disqualification on the ballot.

Section 6. Since voting will be done through myMT, hours to vote, during the week of voting will correspond to myMT's hours of operation. Any technical difficulty with the website that occurs that may affect voting accessibility must be communicated by the Election Commissioner to the Student Body as soon as possible.

Article X (Homecoming Elections)

Section 1. In order to be eligible to be a candidate for Homecoming Court, a student must have earned at least sixty (60) University accredited hours (excluding hours earned in developmental courses), and has at least a 2.50 cumulative grade point average by the candidacy application deadline

Section 2. Students shall be required to file a completed candidacy application as approved by the Election Commission. The deadline for all forms to be turned in shall be 4:00 p.m. twenty-one (21) calendar days before the election. All candidates' applications must be returned to the Student Government Association office. The official time clock will be the clock located in the main Student Government Association office. Any application received after the deadline will not be accepted.

Section 3. Homecoming King/Queen Candidates shall be required to follow the sign guidelines used for other elections which are outlined in Article V, Section 5. For Homecoming Elections, no yard signs may be used in any way. Use of yard signs is grounds for immediate disqualification.

Section 4. The candidates for Homecoming King and Queen who receive a plurality of votes shall be elected king and queen. The candidates who place second, third, fourth and fifth in the voting shall comprise the remainder of the Homecoming Court. In the event of a tie between the top two (2) candidates, the Election Commission will schedule a run-off Election to determine king and/or queen. If more than one (1) candidate is tied for the last available position, the Homecoming Court will be extended.

Section 5. All votes shall be counted as soon as possible upon the expired designation time of voting on myMT. Votes shall be counted in the presence of the Election Commissioner, at least two members of the Election Commission, the Student Government Association Advisor, and his or her designee.

Section 6. Following the Election the names of the candidates obtaining the top five (5) positions in the election shall be made public and shall be announced in alphabetical order. At halftime of the Homecoming Football game, the Homecoming Court will be announced in alphabetical order, with the Queen and King being announced after the Court is on the field.

Article XI (Referendums)

Section 1. The Election Commissioner shall make all referenda public, at least fourteen (14) calendar days prior to the election.

Section 2. Voters shall cast ballots either “for” or “against” or “yes” or “no” to the issue in question, and “for” shall be listed before “against” and “yes” shall be listed before “no”.

Section 3. The Student Government Association may have a referendum placed on the ballot by passing legislation in the Senate with a two-thirds vote at 1 regular meeting except for referendum which would change the Student Government Association Constitution. Referendum changing the Student Government Association Constitution may be placed on the ballot by passing legislation in the Senate with a two-thirds vote at 2 regular meetings.

Section 4. Any student may submit proposed legislation with a petition of at least one hundred fifty (150) names, signatures, and M numbers of currently enrolled MTSU students.

Article XII (Violation Complaint)

Section 1. Any student may protest an alleged violation of the Electoral Act or policies in written form to the Election Commission within forty-eight (48) hours of the alleged violation during regular office hours of the Student Government Association Office, 8:00am – 4:30pm CST. The Election Commission shall convene within two (2) school days to consider the complaint and to determine what action may be taken.

Section 2. Should the Election Commission receive a complaint alleging a violation of this Act, that candidate shall be called before the Election Commission for investigation of the complaint, and sanctions if necessary. The Election Commission will act as the hearing body and will be required to follow procedures listed below:

A. The Student Government Association Attorney General will represent the interests of the Student Government Association at the hearing. In the event that the Attorney General cannot preside over the hearing, the Student Government Association President will serve in his/her absence followed by the succession of officers outlined in the Student Government Association Constitution of officers not running in the election.

B. Candidate should be given written notice of the alleged complaint and the facts purported to support that complaint.

C. Candidate shall have the opportunity to present evidence or witnesses on his/her behalf.

D. The Attorney General, Election Commission and candidate shall have the opportunity to question any and all persons who have evidence relevant to the complaint.

E. Both complainant and candidate will have the opportunity to summarize the evidence for benefit of the Election Commission.

F. All parties shall be dismissed and the Election Commission will deliberate the evidence, determine responsibility for the alleged complaint and issue sanctions if necessary

G. Parties will be called back to the hearing where the decision of the Election Commission shall be announced. The Election Commission shall present their decision to the candidate in writing with signatures from the Attorney General, Election Commissioner, and the Student Government Association Advisor or his/her designee within 24 hours of the hearing

H. The Student Government Association Advisor or his/her designee shall be present at all times

I. Hearings before the Election Commission shall be recorded by an audio device and held for a minimum of one year.

Section 3. A decision by the Election Commission pursuant to either Section 1 or Section 2 of this article is appealed only to the Student Judicial Board and then, only if there are grounds for an appeal. General dissatisfaction over the decision shall not be accorded as a basis for consideration of an appeal. Only a candidate who has been disqualified from an election may file an appeal. The student, pursuant to Section 1, who filed the complaint, subsequently rejected by the Election Commission, may not appeal that decision.

Section 4. The only basis for consideration of an appeal is the presentation of facts that supports to show an error in the procedures outlined in Article XII, Section 2 which prejudiced the outcome to the extent that the candidates or students in question were denied a fundamentally fair hearing as a result of the error. An appeal must be submitted, in writing, to the Student Government Association Advisor within 24 hours of the decision by the Election Commission.

Section 5. The Student Judicial Board, being the appellate body, shall make an initial determination as to whether or not sufficient grounds exist for an appeal based on the standards set forth. Appeals that do not allege sufficient grounds shall be denied consideration and dismissed. Appeals that do allege sufficient grounds will be accepted for consideration. The SJB shall not conduct a rehearing, but will consider only the record made by the Election Commission. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties at the time the appeal is considered.

Section 6. The alternatives for action available to the SJB are:

A. To sustain the recommended sanction or decision

B. To remand the complaint to the Election Commission for reconsideration of sanctions only (not to determine whether or not an infraction actually occurred.)

C. The Election Commission is not compelled to change the sanctions. The decision of the Election Commission in a matter that has been remanded to the Commission is final.

Section 7. The decision of the Student Judicial Board is final.

Article XIII (Electoral Act Revisions)

Section 1. This Act shall go into effect immediately upon its passage by the Student Government Senate.

Section 2. All previous electoral legislation shall be null and void

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